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SUBJECT: RECENT U.S. SUPPORT FOR REFORMING TIMOR-LESTE'S SECURITY SECTOR

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#### Summary

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¶1. The Asia Pacific Center for Security Studies (APCSS) convened a workshop September 8-12 to assist the development of Timor-Leste's first national security policy. The workshop brought to Hawaii seventeen Timorese leaders and stakeholders, including the vice prime minister and parliamentarians from across the political spectrum, as well as observers from key partners such as the UN, Australia, Indonesia, and Portugal. Utilizing an innovative method of facilitation, the APCSS enabled the Timorese to carefully assess their national interests, threats and possible responses. The discussions were remarkably free of contention or dispute, and marked by serious, sustained and constructive interventions by all participants. The Timorese left with a strengthened understanding of their national interests and challenges, an intent to move their discussions promptly to the national parliament for consideration, and with gratitude to the U.S. for organizing the conference. The government will use the workshop's outcomes to finalize a national security policy that will provide direction to legal and institutional reform of Timor's police and military. There remains great scope for future contributions by the U.S. to reform of Timor-Leste's security sector, including by the U.S. Pacific Command and APCSS. Key focal points must be the much-needed strengthening and professionalization of the military and police, vital undertakings to the establishment of lasting stability in Timor-Leste. End summary.

#### Background

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¶2. The security sector has been a major source of instability for Timor-Leste since its independence in 2002. The military (F-FDTL) largely constitutes the remnants of the Timorese guerrilla force that mounted the armed resistance to the 24 year Indonesian occupation that ended in 1999; although enjoying substantial confidence and much local prestige (mixed with a good dose of fear as well), it has not been able yet to transform itself into a small, modern, professional, well-organized, well-disciplined force able to protect Timor's citizens and positively contribute to the nation's development. The police force (PNTL) is an astonishingly poorly resourced, badly structured, untrained, ill-led and under-respected institution, with correspondingly low morale and weak sense of duty. The roles, missions and responsibilities of the two

organizations are opaque and civilian control at best uncertain.

Institutional rivalries occasionally have found violent expression. In 2006, during a major political crisis that left a tenth of the population homeless, the police and military fell into open warfare against each other in the streets of Dili. The two forces cooperated relatively well following the February 11, 2008, shootings of the President and Prime Minister, but their joint operation was tarnished by a series of human rights violations and abuses of authority.

¶3. Especially since 2006, security sector reform has become a major focus of concern among Timor-Leste's international partners. Support of reform is a key component of the UN mandate in Timor, and bilateral partners such as Australia, Portugal and New Zealand are making significant investments toward strengthening the two security institutions, as well the complementary justice sector. The Timorese leadership also recognizes the importance of security sector reform, and upon coming to power in August 2007, the Gusmao government declared security sector reform to be one of its priorities. That said, the government's actions since have been tentative.

How can the U.S. Assist?

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¶4. Given the critical importance of stability to Timor's economic and social development, and the necessity of reforming the security sector to achieving stability, Embassy Dili since mid-2007 has been exploring how best to enhance our support in favor of reform. The U.S. Pacific Command, beginning with a visit by Admiral Timothy Keating to Dili in September 2007, also repeatedly has expressed to the Timorese authorities its commitment to assist.

¶5. One area of substantial weakness is the legal infrastructure governing the security sector. As cited in a recent survey by

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the Defense Institute for International Legal Studies, major gaps include the absence of a national security policy; laws to provide a clear separation of missions and responsibilities for the police and military; a military judicial system; established criteria for recruitment, promotion and retirement; and regulations providing for effective discipline by military commanders over their troops. The Gusmao government also recognizes these shortcomings and made strengthening the legal underpinnings of its security institutions a priority in its initial legislative policy program of September 2007. The government said it would begin by drafting the country's first ever national security policy (NSP). The NSP, once it articulated the country's national interests, the threats to those interests, and how best to counter those threats, would provide a guide to defining the roles and missions of the Timor's police and military, plus its customs, immigration and intelligence services. Laws and regulations defining the functions and operations of these institutions would follow in sequence.

Developing Timor's First National Security Strategy

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¶6. The secretary of state for security, Francisco Guterres, and his staff began work on a draft NSP earlier this year. In May 2008, during a meeting with U.S. Pacific Commander Keating, Timor's foreign minister asked for U.S. assistance in drafting the policy. PACOM in turn requested the Asia Pacific Center for Security Studies (APCSS) to explore how best to provide support.

In extended consultations with both Guterres and Embassy Dili, the APCSS proposed convening a workshop for senior Timorese leadership and other key domestic and international stakeholders targeted at developing a national security policy. The four day workshop took place at the APCSS in Honolulu September 9-12 and included members of the Timor-Leste government, including the drafter of the NSP; seven members of the national parliament representing most major parties, including the main opposition party; senior representatives of the military, police and

immigration service; two Timorese civil society delegates; and President Ramos-Horta's national security advisor. Vice Prime Minister Jose-Luis Guterres led the Timorese delegation. Ambassadors to Timor from Portugal, Australia, New Zealand and the U.S. attended as observers, as did the Indonesian charge d'affaires and senior representatives from the UN mission in Timor-Leste.

¶17. In designing the workshop, the APCSS deliberately chose not to simply analyze and edit Timor's draft NSP. Instead, the center facilitated discussions by the Timorese in small groups, using key "framing questions" and technology that enabled real-time visual display and recording of the proceedings. The process elicited in-depth consideration by the Timorese of their country's national interests and goals, the threats/challenges facing the realization of those objectives, and how best to respond to those challenges. The delegates were further asked to reflect on how Timor's international partners can best support strengthening the country's national security and how best to improve coordination among the security institutions and the civilian leadership.

#### Workshop Results

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¶18. The workshop resulted in an inventory of Timor's national interests, challenges and possible policy responses, extending beyond the security sector and indeed largely mirroring the country's development agenda. It will be used by the government to refashion the draft NSP for submission to its council of ministers for approval. The policy will then be submitted to the national parliament for review, either as a standalone policy statement, or incorporated into a planned national security law. Once legislative action on the NSP is completed, the government has several other security sector related laws in the hopper, including an internal security law; a bill to improve the investigation of, and define the punishment for, human rights abuses by the security forces; and revisions to laws governing the police and military.

¶19. The Timorese participants clearly demonstrated their commitment to the workshop, as not a single delegate missed a single minute of the program. Indeed, most came early every morning to caucus before the sessions began and a group

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deliberated until late in the evening one night. Despite expectations of disagreement, the discussions remained constructive throughout, enabling a remarkable unity to emerge. Crediting the process employed by the APCSS with great success, one senior Timorese delegate told the ambassador that although he had spent twenty years working on national security concepts, never before had he seen his colleagues tackle these issues with such breadth and clarity. Another noted that it had proved impossible to bring together key stakeholders in Dili to discuss the government's draft NSP. By assembling them instead in Hawaii, including senior representatives from across the political spectrum, the workshop contributed to developing broad ownership of the NSP. IN the workshop's final session, several delegates, applauded the generosity of the U.S. in hosting the workshop, and urged that the group reassemble in Dili to continue its work.

¶110. The conference was not without its shortcomings. Embassy Dili, working with the President and Prime Minister, labored to ensure the selection of the best possible group of Timorese to participate in the workshop. Despite our efforts, a couple of key stakeholders were not able to join, in one case due to a serious illness contacted on the eve of the meeting. The outcome of the workshop, while enjoying full and broad support from the participants, suffers from a relative lack of prioritization (this was noted, in a positive sign, by several of the Timorese in the workshop's closing session). And, there may have been an expectations mismatch among some participants, with one observer expressing disappointment that reform of the police and military had not been explicitly and more thoroughly

tackled.

Next Steps

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¶11. This latter observation points to possible next steps. First, Embassy Dili, working together especially with Australia, Portugal and the UN, whose representatives in Honolulu left as enthusiastic supporters of the process, will continue to facilitate the development of the NSP. To begin, we will convene in Dili on September 25 a meeting of all the workshop participants to encourage both the viability of this group, and the completion and full ratification of the NSP. Next, our focus must turn to exploring how best we can support the reform and professionalization of the military and police.

¶12. Embassy Dili believes the APCSS can again play a vital role. The NSP workshop reaffirmed to the Timorese that the U.S. is a constructive and neutral partner in the field of security sector reform, able to bring together key domestic stakeholders and international partners to make progress on a highly sensitive national issue. Both the foreign minister and secretary of state for security have suggested future U.S. organized workshops, with the latter suggesting either civilian control of the security institutions or integrated crisis management (which would feature the delineation of roles and responsibilities among the police and military) as possible future topics. Whether stated implicitly or explicitly, the emphasis of any future facilitation by the U.S. should be the transformation of these institutions into effective protectors of the citizens of Timor-Leste, and contributors to regional stability, firmly under civilian control.

¶13. We will be eager to explore with PACOM and APCSS how best to focus their expertise, in concert with partners including Australia, Portugal and the UN, to realize security sector reform and the maintenance of peace and stability in Timor-Leste. As part of a separate exercise initiated by the Commander of the U.S. Pacific Fleet, we welcome the dispatch in November 2008 to Timor of an assessment mission, possibly in conjunction with the U.S. Coast Guard, to review Timor-Leste's maritime security capabilities and requirements. We also would welcome a similar assessment of Timor's ground forces being considered by the Commander of U.S. Marine Forces in the Pacific. Embassy Dili is also working with State/INL, the FBI and DEA to explore new programs aimed at strengthening Timor's police and justice sectors.

¶14. Embassy Dili wishes to extend sincere gratitude to U.S. Pacific Commander Admiral Keating and his staff for responding so quickly and constructively to Foreign Minister Da Costa's request for assistance in developing Timor's national security

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policy. And we wish to especially thank Director E. P. Smith and his team at the APCSS for hosting the Timor-Leste NSP Development Workshop. Their rapid deployment of an innovative facilitative mechanism will make a substantial and lasting contribution both to national security policymaking in Timor, and to our ability to be a constructive and influential partner to Timor-Leste, a struggling and still-vulnerable democracy.

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